

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE
6851 N.E. LOOP 820, SUITE 300
NORTH RICHLAND HILLS, TX 76180-6608
(817) 770-8500
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE: JUAN JOSE SILVA
EMIGDIA CISNEROS SILVA

Case No: 09-43881-DML
Prehearing Date: May 14, 2010

Debtor(s)

Amended Notice of Pre-Hearing Conference and
Hearing on "Trustee's Recommendation Concerning Claims,
Objection to Claims, and Plan Modification (if required)"

TO ALL PARTIES IN INTEREST:

A Pre-Hearing Conference with the Chapter 13 Trustee concerning the attached Amended Trustee's Recommendation Concerning Claims, Objection to Claims, and Plan Modification (if required)("TRCC") will be held at **8:30 AM** on **May 14, 2010** at 6851 N.E. Loop 820, Suite 220, North Richland Hills, Texas 76180.

If any objections to the Pleadings are not resolved or defaulted at the Trustee's Pre-hearing Conference then this matter will be called at the docket call to be held at **8:30 AM** on **May 20, 2010** at 128 U.S. Courthouse, 10th and Lamar Streets, Fort Worth, TX., with the hearing on the matter immediately following the conclusion of the docket call.

Pursuant to General Order 2009-03 Section 8(c), unless an objection is timely filed as to the treatment of any claim or modification, the claim or modification will be allowed or approved as described in the TRCC and such treatment will be final and binding on all parties, unless Section 502j of the Bankruptcy Code applies.

TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, FILED WITH THE COURT, AND A COPY SERVED ON THE FOLLOWING PARTIES WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE HEREOF.

DEBTOR(S): JUAN JOSE SILVA & EMIGDIA CISNEROS SILVA, PO Box 270432, Dallas, TX 75227
ATTORNEY: MARK B FRENCH, 1901 CENTRAL DR STE 704, BEDFORD, TX 76021
COURT: Clerk's Office, US Bankruptcy Court, 128 U.S. Courthouse, 10th and Lamar Streets, Ft. Worth, TX 76102
TRUSTEE: TRUSTEE'S OFFICE, 6851 N.E. Loop 820, Suite 300, North Richland Hills, TX 76180-6608

/s/ Tim Truman
Tim Truman, Trustee/State Bar # 20258000

JUAN JOSE SILVA
EMIGDIA CISNEROS SILVA

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the "Amended Notice of Pre-Hearing Conference and Hearing on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)" and that a copy of the attached "Amended Trustee's Recommendation Concerning Claims, Objection to Claims, and Plan Modification (if required)" was served on the following parties at the address listed below by the United States First Class Mail or via electronic mail.

/s/ Tim Truman

DEBTOR(S): JUAN JOSE SILVA & EMIGDIA CISNEROS SILVA, PO Box 270432, Dallas, TX 75227
ATTORNEY: MARK B FRENCH, 1901 CENTRAL DR STE 704, BEDFORD, TX 76021

CREDITORS:

ALLSTATE INSURANCE CO, PO BOX 40047, ROANOKE, VA 24022-0000
ALMA MECHANICS SHOP, 8004 TRADE VILLAGE PLACE, DALLAS, TX 75217-0000
AMERICAN COMMUNITY NEWSPAPERS II, C/O CANTEY HANGER LLP, 600 W 6TH ST STE 300, FORT WORTH, TX 76102-0000
AMERICAN EXPRESS, C/O BECKET & LEE LLP, PO BOX 3001, MALVERN, PA 19355
AMERICAN EXPRESS CENTURION BAN, C/O BECKET AND LEE LLP, PO BOX 3001, MALVERN, PA 19355
AT & T WIRELESS, PO BOX 650553, DALLAS, TX 75265-0000
ATTORNEY GENERAL OF TEXAS, COLLECTIONS DIV/BANKRUPTCY SEC, PO BOX 12548, AUSTIN, TX 78711
BRACKETT & ELLIS, 100 MAIN ST, FT WORTH, TX 76102
CANTEY HANGER LLP, ATTN PAYROLL DEPARTMENT, 600 W 6TH ST STE 300, FORT WORTH, TX 76107-0000
CAPITAL ONE, 2730 LIBERTY AVE, PITTSBURGH, PA 15222-0000
CAPITAL ONE, C/O TSYS DEBT MANAGEMENT, 6125 LAKEVIEW RD STE 800, CHARLOTTE, NC 28269
CCS, TWO WELLS AVE, NEWTON, MA 02459-0000
CITY OF DALLAS, 1500 MARILLA DR 2DS, DALLAS, TX 75201
CITY OF MESQUITE/MESQUITE ISD, C/O SCHUERENBERG & GRIMES, 120 MAIN ST STE 201, MESQUITE, TX 75149-0000
CODILIS & STAWIARSKI PC, 650 N SAM HOUSTON PKWY E, STE 450, HOUSTON, TX 77060-0000
COUNTY OF DALLAS TAX OFFICE, LINEBARGER GOGGAN BLAIR AND SAMPSON, 2323 BRYAN ST STE 1600, DALLAS, TX 75201-0000
DALLAS INDEPENDENT SCHOOL DIST, 3700 ROSS AVE, DALLAS, TX 75204
DEPT OF JUSTICE - TAX DIVISION, 717 N HARWOOD STE 400, DALLAS, TX 75201-0000
DFW PRINTING CO, C/O KYLE F PAUR, 3890 W NORTHWEST HWY STE 550, DALLAS, TX 75220-0000
EQUIFAX, PO BOX 740241, ATLANTA, GA 30374-0000
EXPERIAN, 701 EXPERIAN PARKWAY, ALLEN, TX 75013-0000
INTERNAL REVENUE SERVICE, PO BOX 21125, PHILADELPHIA, PA 19114-0000
INTERNAL REVENUE SERVICE, PO BOX 21126, PHILADELPHIA, PA 19114-0000
INTERNAL REVENUE SERVICE, SPECIAL PROC/ATTN DISK PROCESS, 1100 COMMERCE RM 9A20 5024 DAL, DALLAS, TX 75242
JAMESON AND DUNAGAN PC, 3890 W NORTHWEST HIGHWAY, SUITE 550, DALLAS, TX 75220-0000
JOHN LANE AND ASSOCIATES, 8526 N NE BRAUNFELS, SAN ANTONIO, TX 78217-0000
JOHN SALAZAR, 851 S RL THORNTON FRWY STE 101, 8100 JOHN CARPENTER FRWY STE 200, DALLAS, TX 75247-0000
JP MORGAN CHASE BANK, 3415 VISION DR, COLUMBUS, OH 43219-0000
JP MORGAN CHASE BANK, 7255 BAY MEADOWS HWY, JACKSONVILLE, FL 32256-0000
JPMORGAN CHASE BANK NA, VINCENT LOPEZ SERAFINO AND JENEVEIN PC, 2001 BRYAN ST STE 2000, DALLAS, TX 75201
LAW OFFICE OF ROBERT MCEWAN, 2201 N CENTRAL EXPWY STE 225, RICHARDSON, TX 75080-0000
LINEBARGER GOGGAN BLAIR ET AL, 100 THROCKMORTON STE #300, FT WORTH, TX 76102-0000
LINEBARGER HEARD GOGGAN ET AL, 2323 BRYAN ST STE 1600, DALLAS, TX 75201
LVNV FUNDING LLC, RESURGENT CAPITAL SERVICES, PO BOX 10587, GREENVILLE, SC 29603
M BRANDON WADDELL, C/O VINCENT LOPEZ SERAFINO JENEVEIN PC, 2001 BRYANT ST STE 2000, DALLAS, TX 75201
MESQUITE ISD, 405 E DAVIS ST, MESQUITE, TX 75149-0000
MICHAEL JASON BABB, 2727 LBJ FRWY STE 900, DALLAS, TX 75234-0000

JUAN JOSE SILVA
EMIGDIA CISNEROS SILVA

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

CREDITORS: (cont'd.)

NCO FINANCIAL, 507 PRUDENTIAL RD, HORSHAM, PA 19044-0000
NCO FINANCIAL SYSTEMS INC, 1804 WASHINGTON BLVD STE 450, BALTIMORE, MD 21230-0000
PERDUE BRANDON & FIELDER, 4025 WOODLAND PARK BLVD #300, ARLINGTON, TX 76094
PRIMARY FINANCIAL SERVICES, 3115 N 3RD AVE STE 112, PHOENIX, AZ 85013-0000
PROPEL FINANCIAL SERVICES, PO BOX 100350, SAN ANTONIO, TX 78201-0000
REDLINE RECOVERY SERVICES, 6201 BONHOMME STE 100-5, HOUSTON, TX 77036-0000
STEEN AND STEEN/MCLEAN AND SANDERS, ATTN: BANKRUPTCY SECTION, 307 W 7TH ST STE 1225, FORT WORTH, TX 76102
TARRANT COUNTY TAX COLLECTOR, DELINQUENT TAX DEPARTMENT, 100 E WEATHERFORD ST, FORT WORTH, TX 76196
TEXAS ALCOHOLIC BEVERAGE COMM, LICENSES AND PERMITS DIVISION, PO BOX 13127, AUSTIN, TX 78711
TEXAS COMPTROLLER PUBLIC ACCTS, REVENUE ACCOUNTING DIV/BANKRUP, PO BOX 13528, AUSTIN, TX 78711
TEXAS WORKFORCE COMMISSION, TAX DEPT COLLECTION FKA TEC, BANKRUPTCY ROOM 556-A, AUSTIN, TX 78778-0000
TRANS UNION, PO BOX 2000, CHESTER, PA 19022-0000
UNITED STATES ATTORNEY, 1100 COMMERCE ST STE 300, DALLAS, TX 75242
UNITED STATES ATTORNEY, 801 CHERRY ST STE 1700, FT WORTH, TX 76102
US DEPARTMENT OF JUSTICE, 10TH & CONSTITUTION NW, WASHINGTON, DC 20530-0000
V AND J BODY SHOP, 8018 TRADE VILLAGE PLACE, DALLAS, TX 75217-0000
WASHINGTON MUTUAL, 7255 BAYMEADOWS WAY, JACKSONVILLE, FL 32256-0000
WELLS FARGO BANK, MAC S4101 08C, 100 W WASHINGTON ST, PHOENIX, AZ 85003-0000

Date: April 9, 2010

By: /s/ Tim Truman

JUAN JOSE SILVA
EMIGDIA CISNEROS SILVA

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**IN RE: JUAN JOSE SILVA
EMIGDIA CISNEROS SILVA**

Case No: 09-43881-DML

Debtor(s)

**AMENDED TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO
CLAIMS AND PLAN MODIFICATION (if required)**

The Trustee hereby objects to and/or recommends allowance or disallowance of the following claims for the reason(s) indicated pursuant to Bankruptcy Rule 3007:

I.

OBJECTION - NO PROOF OF CLAIM FILED

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf as required by Bankruptcy Rule 3002(a). The "bar date" for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED, and not be paid by the Trustee:

<u>T'EE #</u>	<u>CREDITOR'S NAME</u>	<u>SCHED CLASS</u>	<u>SCHED AMOUNT</u>
7	CITY OF DALLAS	TAXES/SECURED	\$633.70
8	CITY OF DALLAS	TAXES/SECURED	\$70.15
9	CITY OF DALLAS	TAXES/SECURED	\$635.34
10	CITY OF DALLAS	TAXES/SECURED	\$345.08
11	CITY OF DALLAS	TAXES/SECURED	\$869.51
19	DALLAS INDEPENDENT SCHOOL DIST	TAXES/SECURED	\$1,002.70
20	DALLAS INDEPENDENT SCHOOL DIST	TAXES/SECURED	\$111.00
21	DALLAS INDEPENDENT SCHOOL DIST	TAXES/SECURED	\$1,005.30
22	DALLAS INDEPENDENT SCHOOL DIST	TAXES/SECURED	\$546.02
23	DALLAS INDEPENDENT SCHOOL DIST	TAXES/SECURED	\$1,375.82
25	JOHN SALAZAR	SECURED	\$10,181.69
27	PROPEL FINANCIAL SERVICES	SECURED	\$27,127.97
28	ALLSTATE INSURANCE CO	UNSECURED	\$345.70
31	AT & T WIRELESS	UNSECURED	\$988.82

II.

SPECIFIC OBJECTIONS

The Trustee hereby objects to the following claims for the reason(s) indicated in Column 6. The claims should be ALLOWED/DISALLOWED as indicated in Column 3 for the amount and class indicated in Columns 4 and 5 respectfully:

*** NONE ****

JUAN JOSE SILVA
EMIGDIA CISNEROS SILVA

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

III.

TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount(s) and in the class(es) as listed below: (NOTE: Value, treatment and interest rate were determined at confirmation. "Value" and "Treatment" are shown below)

<u>T'EE #</u>	<u>SECURED CREDITORS</u>	<u>COLLATERAL</u>	<u>CLAIM</u>	<u>VALUE</u>	<u>INTEREST</u>		<u>TREATMENT</u>
					<u>RATE</u>		
1	JP MORGAN CHASE BANK	1ST LIEN/HOME/ARRS	\$6,248.64	\$144,730.00	0.00%		PRO RATA-TR
2	JP MORGAN CHASE BANK	1ST LIEN/HOMESTEAD	\$18,535.26	\$144,730.00			DIRECT-DR
5	CAPITAL ONE	BUSINESS ASSETS/LATE	\$30,885.00	\$30,885.00			DIRECT-DR
6	JPMORGAN CHASE BANK NA	8010 TRADE VILLAGE PL	\$107,033.50	\$247,084.51			DIRECT-DR
12	CITY OF MESQUITE/MESQUITE ISD	HOMESTEAD/09	\$3,311.86	\$144,730.00			DIRECT-DR
13	COUNTY OF DALLAS TAX OFFICE	HOMESTEAD/09	\$667.41	\$144,730.00			DIRECT-DR
14	COUNTY OF DALLAS TAX OFFICE	1630 BENDING OAKS/09	\$2,124.80	\$98,930.00			DIRECT-DR
15	COUNTY OF DALLAS TAX OFFICE	8000 TRADE VILLAGE/09	\$235.23	\$9,380.00			DIRECT-DR
16	COUNTY OF DALLAS TAX OFFICE	8004 TRADE VILLAGE/09	\$2,130.32	\$84,950.00			DIRECT-DR
17	COUNTY OF DALLAS TAX OFFICE	8018 TRADE VILLAGE/09	\$1,157.07	\$46,140.00			DIRECT-DR
18	COUNTY OF DALLAS TAX OFFICE	8010 & 8012 TRADE VILLAGE	\$2,972.43	\$250,000.00			DIRECT-DR
24	INTERNAL REVENUE SERVICE	BUSINESS ASSETS/06-09	\$87,821.46	\$480,837.09			DIRECT-DR
39	JP MORGAN CHASE BANK	2ND LIEN/HOMES/ARRS	\$4,831.20	\$144,730.00	0.00%		PRO RATA-TR
40	JP MORGAN CHASE BANK	2ND LIEN HOMESTEAD	\$16,605.70	\$144,730.00			DIRECT-DR
43	PROPEL FINANCIAL SERVICES	1630 BENDING OAKS/TAX LI	\$9,749.26	\$98,930.00	0.00%		NO PROVISION

<u>T'EE #</u>	<u>PRIORITY</u>	<u>CLAIM</u>	<u>TREATMENT</u>
38	INTERNAL REVENUE SERVICE	\$11,888.34	PRO RATA-TR

<u>T'EE #</u>	<u>UNSECURED</u>	<u>CLAIM</u>	<u>COMMENT</u>
29	AMERICAN EXPRESS CENTURION BA	\$27,172.00	
30	AMERICAN EXPRESS	\$20,677.11	
32	DFW PRINTING CO	\$105,389.44	EL EXTRA SPANISH NE
33	AMERICAN COMMUNITY NEWSPAP	\$155,941.35	EL EXTRA SPANISH/ST
34	WELLS FARGO BANK	\$20,166.40	WF BSN DIRECT
37	INTERNAL REVENUE SERVICE	\$1,180.03	PENALTY
41	LVNV FUNDING LLC	\$3,166.83	NCO PORTFOLIO/ORDE
42	LVNV FUNDING LLC	\$1,111.87	NCO PORTFOLIO/ORDE
44	CAPITAL ONE	\$19,115.00	UNS PORTION CLM #5/I

<u>T'EE #</u>	<u>EXECUTORY CONTRACTS</u>	<u>COMMENT</u>	<u>CLAIM</u>	<u>TREATMENT</u>
35	ALMA MECHANICS SHOP	CONTRACT/ASSUMED	\$0.00	DIRECT-DR
36	V AND J BODY SHOP	CONTRACT/ASSUMED	\$0.00	DIRECT-DR

IF THE TRUSTEE'S RECOMMENDATION CONCERNING ANY CLAIM DIFFERS FROM THE AMOUNT INDICATED IN A CREDITOR'S PROOF OF CLAIM, THE RECOMMENDATION IS DEEMED AN OBJECTION TO SUCH CLAIM. UNLESS A TIMELY RESPONSE OR OBJECTION IS FILED CONTESTING THE TRUSTEE'S RECOMMENDATION, THE OBJECTION WILL BE SUSTAINED AND SUCH CLAIM WILL BE ALLOWED ONLY IN THE AMOUNT AND IN THE CLASS INDICATED.

IV.

PLAN MODIFICATION

Excess Base Amount

Debtor's(s') Plan provides for a Base Amount of \$35,750.00. To the extent the Base Amount exceeds the amount needed to pay all allowed Secured, Priority, and Administrative Claims, unless otherwise provided by a Debtor Modification or order of the Court, such excess shall be paid pro-rata to timely filed allowed non-penalty general unsecured claims up to 100%, with any remaining balance refunded to Debtor(s). The Unsecured Creditors' Pool will be adjusted accordingly.

No Debtor Modification Needed

JUAN JOSE SILVA

EMIGDIA CISNEROS SILVA

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

Respectfully submitted,
Office of the Chapter 13 Trustee, Fort Worth
/s/ Tim Truman

Tim Truman, Trustee
State Bar # 20258000

Dated: April 9, 2010